C.S.1002 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1699 OF 2004

BETWEEN

Arman Bhai S/o Sheikh Gaffur , aged about 51 years, occupation service in Municipal Council Gharghoda, r/o Gharghoda Tehsil Gharghoda District Raigarh (CG).

PETITIONER

A N D

1. The State of Chhattisgarh, Through the Secretary Department of Local Self Government, Mantralay, D.K.S.Building, Raipur (CG).

2. The Deputy Director, Nagar Prashashan, Bilaspur (CG).

3. Chief Municipal Officer Municipal Council Gharghoda District Raigarh .

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner :

(51)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1699 of 2004

Petitioner : Arman Bhai

Versus

Respondent : The State of Chhattisgarh & others

Shri Awadh Tripathi, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondent No.1.

Shri Sanjay K. Agarwal, Advocate for the respondents No. 2 and 3.

ORDER

(28th August, 2006)

1. The case of the petitioner is that he was appointed in accordance with the provisions of the M.P./C.G. Municipal Employees Recruitment and Conditions of Service Rules, 1968 on probation for a period of two years. During the probation a show cause notice dated 2.9.1988 was issued to the petitioner, alleging that he remained absent for a long period and the petitioner was disengaged from service.

2. The petitioner challenged the said show cause notice and disengagement from service in the High Court of Judicature at Jabalpur in M.P.No. 1391/89. The High Court of Judicature at Jabalpur vide interim order dated 15.3.1991 directed the Municipal Council, Gharghoda, District- Raigarh to reinstate the petitioner in service and continue to pay his regular salary till the disposal of the petition. The High Court of Madhya Pradesh by final order dated 28.9.1999 observed as under:-

> "I deem it expedient that respondent No.2 takes final decision in pursuance of the notice (Annex.P-11), taking into

consideration the reply of the petitioner, within 6 months from the date of receipt/production of a copy of this order. I direct accordingly. Till the matter is finally decided by respondent No.2, interim order dated 15.3.1991 shall remain operative. Needless to state that in case the decision to be taken in pursuance of this order goes adverse to the petitioner, he shall have liberty to assail the same in accordance with law."

3. Learned counsel for the petitioner submits that the petitioner is still continuing in service but he was not paid regular salary as per the order dated 15.3.1991 and confirmed by the order dated 28.9.1999, passed by the High Court of Judicature at Jabalpur. The High Court of Madhya Pradesh directed the respondent No.3 to take final decision in pursuance of the notice within a period of six months from the date of the receipt/production of a copy of that order. Learned counsel appearing for the petitioner informs that no final decision has been taken so far by the respondent No.3.
4. The respondent No.3 is accordingly directed to complete the process of taking final decision within a period of three months pursuant to the order dated 28.9.1999 passed by the High Court of Judicature at Jabalpur in M.P.No. 1391/89.
5. In view of the foregoing, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur